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10/813,536

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10/16/2007

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EXAMINER

MA, CALVIN

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

10/16/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/813,536	Applicant(s) ROTHMAN ET AL.	
	Examiner Calvin Ma	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendments***

1. The amendment filed on 07/16/2007 has been entered and considered by the examiner.

### ***Claim Objections***

2. Claims 1-5 are objected to because of the following informalities: the use of parentheses in claims 1 and 5 are improper since parentheses are used only for the reference character (see MPEP 608.01(M)). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 24-26 recites "software within the computer device". As such, claims 12 are directed toward software per se, which is non-functional descriptive material and non-statutory.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 12-14, 16, 18-25, 27, 29, 30-31, and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Wooten (U.S. Patent 6,947,014).

As for claim 19, Wooten discloses a method, comprising: coupling an HID to a port of a computing device (i.e. video connector 30 connected to computer system) (see [0018],[0023]);

sending video display data to the HID (i.e. the video signal is displayed) (see [0019]); and

viewing the video display data in a private manner in a public place (i.e. the auto blanking is set in and the private display replaces the primary display) (see [0018],[0023]).

As for claim 1, Wooten teaches a system comprising: a computing device (computer) including a plurality of ports (i.e. the ports connecting to eyewear 20, mouse, power source) (see [0018] and [0023]);

a primary display device (i.e. primary display of the computer) coupled to a first port (i.e. the connection between the computer and the primary display interface the enable proper display function) of the computing device (see [0018]);

a human interface device (HID) (10) (see Fig. 1) detachably coupled to a second port of the computing device (i.e. video connector 30 attachable to the computer) (see [0023]);

and video privacy logic within the computing device (i.e. the complementary software and hardware necessary for enabling the auto blanking system that works on connection of the eyewear 20 to the computer, since the eyewear 20 is merely a peripheral device and only function as an auto blanking system when plugged into the computer device, the privacy logic must exist inside the computer in the form of memory that is executed by the CPU of the computer device to allow the blanking of the main display to take place), coupled to the first port and couple to the second port (i.e. the port must be couple to the logic in order for the logic to properly execute the blanking, and the primary display for the computer is connected to the CPU of the computer differently with respect to the eyewear 20, which is connected concurrently with the primary display) to disable the primary display device (i.e. allows image to no longer seen in the computer screen) and route video display data to the HID when the video

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privacy logic detects a user has coupled the HID to the second port (this function is understood as the blanking system functions by replacing the primary display with the eyewear display which reroute the display interface and display it privately) (see [0018],[0019] and [0023]).

As for claim 12, see discussion of claim 1 above, this claim differs from claim 1 only in that claim 12 recites a method using software within the computing device instead of a device with privacy logic. Method claim 12 is analyzed to be broader than the apparatus claim 1. Thus it is analyzed as previously discussed with respect to the apparatus claim 1.

As for claim 23, see discussion of claim 12 above, this claim differs from claim 12 only in that the limitation “a machine readable medium having instructions stored therein which when executed cause a machine (i.e. computer) to perform a set of operations” and “using the instruction executed within the computing device” is additionally recited. Since Wooten teaches computer system performs the same function as applicant’s disclosed device (see [0018], [0019] and [0023]);

thus the computer system of Wooten would include computer readable medium stored instructions to operate the function of “privacy” viewing the video image on the screen.

As for claim 2, Wooten teaches the system of claim 1, wherein the HID (10) is a privacy device (i.e. private eyewear-based display system) (see [0019]).

As for claims 3, Wooten teaches the system of claim 2, wherein the privacy device comprises: a head mounted display (10) (see [0019], [0020], [0021]).

As for claims 4, and 20, Wooten teaches the system of claim 3, wherein the head mounted display (10) is one of video glasses and video goggles (i.e. video signal is displayed by a miniature liquid crystal display) (see [0019]).

As for claim 5, Wooten teaches the system of claim 1, wherein the HID is coupled to the second video port via a wireless connection (see [0024]).

As for claims 13 and 24, Wooten teaches a method of claim 12, further comprising: enabling the HID (i.e. private eyewear display is engaged when it is attached to the computer it is enabled to operate in place of the primary display) (see [0018]).

As for claims 14 and 25, Wooten teaches the method of claim 13, wherein enabling the HID comprises: sending a signal to a video driver of the computing device to start sending video display data to the HID (see [0019]).

As for claims 16, 22 and 27, Wooten teaches the method of claim 12, further comprising: enabling the primary display device when the privacy device is uncoupled from the port of the computing device (i.e. the operation of the device already contain the method) (see [0018]).

As for claims 18 and 29, Wooten teach the method of claim 16, further comprising: monitoring whether the privacy device continues to be coupled to the port (i.e. the operation of the device already contain the method) (see [0018]).

As for claim 21, Wooten teaches the method of claim 19, further comprising: disabling a primary display of the computing device automatically when the HID is coupled to the port of the computing device (see [0018]).

As for claim 30, Wooten teaches the system of claim 1, wherein the second port is an intelligent interface capable of detecting the insertion of the HID into the second port and determining whether the HID is a privacy HID (i.e. since the port on the computer is able to enact the auto blanking functionality the moment the privacy device is plugged in, the port has intelligent interface that activate the software to be executed on the computer to blank the main display when the computer recognize that the privacy device is present on the port) (see Fig. 1, [0018], [0019]).



As for claim 31, Wooten teaches the method of claim 12, further comprising prompting the user with the primary display device (i.e. the prompting of the user consist of simply that without the privacy device plugging in the main display is functional and when the privacy device is plugged in the main display no long functions, thereby prompting the user that the privacy auto blanking system is applied) to inquire whether the HID is a privacy device and receiving form the user an indication that the user would like to operate in privacy mode (i.e. the user indicate to the system to operate in the privacy mode by keeping the privacy device in the port by first plugging it in and keep plugging it in) (see Fig.1, [0018], [0019]).

As for claim 34, Wooten teaches the machine readable medium of claim 29, having further instructions stored therein (i.e. since the privacy device in only a peripheral device of the computer it must function with the cooperation of the computer which must run the necessary instruction to induce the auto blanking of the main display) which when executed cause a machine to perform a set of operations further comprising:

Enabling the primary display device and disabling the HID device upon detecting that the privacy device has been uncoupled from the port (i.e. it is by design that the privacy device enable the auto blanking system to function when plugged into the computer port, this implies that when it is not plugged in there is no blanking of the main display. Since other wise the privacy device would be always on the system on the day in which the computer is manufactured. Therefore, when the privacy device is

deactivated by unplugging it from the port of the computer then the main display is no longer blanked which is by definition the normal function of an automatic blanking system for the main computer display) (See Fig. 1, [0018], [0019]).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 15, 17, 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooten (U.S. Patent 6,947,014) in view of Eck and et al (U.S.P.G. Pub 2002/0045484).

As for claim 15, note the discussion of Wooten above, Wooten teaches the method of claim 12, wherein disabling the primary display device comprises: sending a signal to a video driver of the computing device to one of stop sending video display data to the primary display device, send blank screen data to the primary driver (i.e. the operations of the device already contain the method) (see [0018]) but does not teach send splash screen data to the primary driver such that the primary display device

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displays a splash screen. Eck teaches send splash screen data to the primary driver such that the primary display device displays a splash screen (see [0139]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the splash screen of Eck in addition in the primary display during the blanking period of Wooten so that a user can briefly view the primary information before viewing the detail of the content information, thereby enhancing the functionality of displaying information (see Eck [0139]).

As for claim 17, Wooten teaches the method of claim 16, wherein enabling the primary display device comprises: sending a signal to a video driver of the computing device to one of start sending video display data to the primary display device, stop sending blank screen data to the primary display device (i.e. the operations of the device already contain the method) (see [0018]). Eck teaches sending splash screen data to the primary display device (see [0139]).

Claim 26 is analyzed as previously disclosed with respect to claim 15 because it recites the same limitations.

Claim 28 is analyzed as previously disclosed with respect to claim 17 because they recite the same limitations.

9. Claims 6-11 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wooten in view of Gonzalez et al (US Pub: 2005/0012749).

As for claim 6, see discussion of claim 1 above, this claim differs from claim 1 only in that the phrase "video privacy logic" recited in claim is substituted by the phrase "a video driver". Wooten does not explicitly teach a video driver within the computing device. Gonzalez teaches a video driver (i.e. video driver 210, 212) within the computing device (i.e. the computer where the computer application 200 is run) (see Fig. 2, [0039])

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have applied the design of placing video driver in the computer device in the over all privacy display system of Wooten in order to allow the combination the processing power of multiple video card and utilize multiple graphics processor more efficiently. (see Gonzalez [0020]).

As for claim 7, see discussion of claims 2 and 6, claim 7 is rejected on the same ground as claim 2 when in view of claim 6 which it is depended upon.

As for claim 8, see discussion of claims 3 and 6, claim 8 is rejected on the same ground as claim 2 when in view of claim 6 which it is depended upon.

As for claim 9, see discussion of claims 4 and 6, claim 9 is rejected on the same ground as claim 4 when in view of claim 6 which it is depended upon.

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As for claim 10, see discussion of claims 5 and 6, claim 10 is rejected on the same ground as claim 5 when in view of claim 6 which it is depended upon.

As for claim 11, see discussion of claim 6 above, Wooten and Gonzales teaches the system of claim 6, Wooten teaches the first port is a video port (i.e. the first port is the connection for the primary display that does not afford private viewing which will be video capable since the private eyewear display replacing it has the video input signal, therefore the first port must be a video port) and the second port is an auxiliary port (i.e. the private eyewear display is a peripheral device, by definition auxiliary in nature) (see Wooten [0019]).

As for claim 33, see discussion of claim 1 above, Wooten teaches the system of claim 1, but does not explicitly teach a graphics memory control hub in the computing device. Gonzalez teaches a graphic memory control hub (226) in the computing device (i.e. the video merger hub 226 is able to output to a CRT display, a liquid crystal display, a heads up display or any hybrid thereof) (see Fig. 2, [0023], [0039]). Therefore the combination of the Gonzalez design with the overall system of Wooten would meet the limitation.

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10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wooten in view of Gonzalez in claims 6-11 and 32, further in view of Love et al. (US Pub: 2004/0201544)

As for claim 32, see discussion of claim 12 above, Wooten and Gonzalez teaches the method of claim 12, wherein the HID is a first HID, and the port is a first port; further comprising sending signal to a video driver of the computing device to start sending video data to the first HID. But does not explicitly teach a second HID. Love teaches a second HID (806(2)) (i.e. Multi-Display Output Divider 102 output to both head-mounted display device 806(1) and 806(2)) (see Fig. 8, [0061], [0062]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have applied the design multiple port for plugging in multiple HID unit simultaneous in addition to the video driver design of Wooten and Gonzalez in order to allow multiple user to access the video signal simultaneously. (see Love [0004])

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 6-11 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the references of Gonzalez and Love have been added for new ground rejection.

First the applicant argues with respect to claim 1, that the cited reference does not disclose video privacy logic within the computer device, that Wooten requires that the monitor auto-blanking system that is "part of the eyewear display system 10", and that it is against the principle of operation of Wooten to have the privacy logic to disable the primary display and route video display data to the HID.

The examiner disagree with the above argument in that the standard video connector that is taught by Wooten simply says that the privacy device is compatible to personal computers that have dominated the computing world, since Wooten specifically talked about past glasses does not utilize functionality of modern-day computers. (see Wooten [0007]) This fact combined with the peripheral nature of the privacy device, which must be plugged into the computer, points to the fact that the device is part of a complete system for creating the auto-blanking of the main monitor. Also Wooten specifically teaches that upon attachment the device includes a monitor auto-blanking system (see Wooten [0018]) the fact that the system is only formed upon attachment to the computer, means that there is also a software component to the entire system that is on the computer that is attached which complement the hardware portion of the computer and the privacy device. Another point that clearly shows the present of software on the computer is the incorporation of the scalable function and the display navigation means on the personal privacy device (see Wooten [0026], [0027]). Therefore, the software portion must be present on the computer to have the CPU of

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the computer to properly activate the auto-blanking of the main monitor to allow the privacy display to work and to allow for the scaleable and navigation functions. Finally It is generally known that all modern personal computer peripherals such as monitors, video projectors, and mouse have driver software that must be present in the computer for these devices to properly function.

Secondly, the applicant argues with respect to claim 12 and 23, that the cited reference does not disclose using software within the computing device or the instructions to execute within the computing device.

The examiner disagrees with the same reasoning as the response to that of claim 1 above.

Thirdly the applicant argues with respect to claim 15, 16 and 18, that the reference does not disclose enabling the primary display device when the privacy device is uncoupled from the port of the computing device.

The examiner disagrees in that the driver software that is in the computer which enables the auto-blanking system and navigation functionality must by definition monitor whether or not the privacy device is plugged in or not. Since it is an automatic system, upon the connection of the privacy device, the software activates the auto-blanking and enable the navigation function on the computer. So when the privacy device no longer connects to the port, the blanking is automatically removed and the main display is restored. Otherwise, the system would not be auto-blanking but instead would have to be a permanent-blanking system that destroy the entire functionality of the main display,



which is by definition the main device for display which would naturally be used with the computer.

Finally, the applicant argues with respect to claim 15, 17, 26, and 28 that Wooten does not describe, disclose, enable or make obvious the limitation, of start sending video display data to the primary display device and stop sending splash screen data to the primary display device.

The examiner disagrees for the same reason in the answer to the above claim 15, 16 and 18.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Calvin Ma whose telephone number is (571)270-1713. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571)272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Calvin Ma

10/12/2007

  
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SUPERVISORY PATENT EXAMINER